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**Subject:** Headlines Highlights for RA's Tablet - MONDAY, February 1, 2016

# Headlines Highlights for RA's Tablet - MONDAY, February 1, 2016

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## Pittsburgh Post-Gazette

### Editorial: Pursuing pollution: A clean-air lawsuit turns up pressure on U.S. Steel

**February 1, 2016**  
**By the Editorial Board**

No one should be surprised by PennFuture's plans to sue U.S. Steel Corp. over air pollution violations at the Clairton Coke Works.

Although the nation's largest plant for producing coke used in steel making is valued for the thousand or so jobs it provides in the Monongahela Valley, it is also the region's biggest polluter. Clairton's emissions, which are picked up by nearby monitors, drive air quality readings for the Pittsburgh metro area and are a cause of concern for epidemiologists.

This is the unfortunate state of the air even after the company invested \$1.2 billion, beginning in 2008, to replace and modernize its coking operations. The project delivered a costly and historic upgrade, which reduced emissions but not by enough.

The Citizens for Pennsylvania's Future, the public interest advocacy group also known as PennFuture, said Thursday that despite U.S. Steel's improvements at Clairton, it has been the source of 6,700 pollution violations between Jan. 1, 2012, and May 31, 2015. Careful oversight by government regulators has not halted these emissions, nor have consent decrees with the Allegheny County Health Department.

In its formal Notice of Intent to Sue under the federal Clean Air Act, PennFuture said the coke plant's "excess particulate matter and other pollutants are regularly emitted into the air and inhaled by local citizens, likely resulting in an elevated risk of cardiovascular disease, lung disease, various cancers including lung cancer, chronic asthma and other illnesses that increase mortality and morbidity rates."

That claim, which will be aired in U.S. District Court, only adds to the bad news already facing the steel company. Last Wednesday it reported a \$1 billion fourth-quarter loss and predicted that the domestic steel industry's slump will continue in 2016.

Clean air standards are not something, however, that modern society upholds only in flush economic times. Americans in the 21st century deserve breathable air always, and that includes the people of the Mon Valley.

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# Chesapeake Bay Journal

## EPA posts draft 2016-17 milestones on website

By Karl Blankenship  
January 31, 2016

Bay Jurisdictions have started submitting their draft 2016-17 "milestones," which establish nutrient reduction goals and program activities they plan to undertake through the end of next year, to the Environmental Protection Agency for review.

The EPA is posting the draft documents on its Chesapeake Bay Total Maximum Daily Load [website](#) as they are submitted. In addition, six federal agencies also submitted milestones.

Under the TMDL, states are to have all actions needed to achieve Bay nutrient and sediment reductions in place by 2025, and actions to achieve 60 percent of those reductions are supposed to be implemented by the end of next year.

In their milestones, states outline the actions they plan in two-year increments. The milestones are intended to help keep Bay cleanup efforts on track by serving as short-term "check-in" points toward achieving overall restoration goals.

If states fall short of their objectives, the EPA has the authority to take a range of actions, from withholding or redirecting grant funding to the state, to ramping up enforcement and oversight activities.

Pennsylvania has already acknowledged that it will fail to meet the 2017 goal. Last year, the EPA withheld about \$2.9 million in grant funds from the state because of its shortfalls.

Besides reviewing the draft 2016-17 milestones, the EPA in coming months will also be reviewing whether states achieved goals from their 2014-15 milestone period, which just concluded. That review will examine state progress toward meeting nutrient and sediment goals, as well as their programmatic accomplishments — such as having adequate programs and funding in place to achieve TMDL goals.

The EPA's review of state progress during 2014-15, and evaluations of 2016-17 milestones, is expected to be completed by June.

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# Chesapeake Bay Journal

## Maryland moves toward suing oil industry over ground water contamination

**By Tim Wheeler**  
**January 28, 2016**

Following the lead of several other states, Maryland is preparing to sue the oil industry for the costs of cleaning up a one-time gasoline additive that's contaminated water across the state.

Maryland's Board of Public Works approved Wednesday a plan by Attorney General Brian E. Frosh to hire a trio of outside law firms to seek damages from gasoline marketers and refiners for using methyl tertiary butyl ether, or MTBE, in motor fuel sold in the state.

The law firms — Berger & Montague of Philadelphia, Miller & Axline of Sacramento, CA, and the Law Offices of John K. Dema of Rockville — were chosen to represent Maryland in the MTBE litigation after state lawyers reviewed proposals from four different legal teams.

"The companies that caused this contamination should be held responsible for their actions," Frosh said in a statement issued after the board action. "This legal team has the expertise and the ability to make Maryland whole from this environmental damage, and to ensure accountability. We are enlisting the resources we need to protect the public."

MTBE was put in gas in the 1990s to help reduce ground-level ozone pollution, or smog. An estimated 1.2 billion gallons were blended with gas sold in Maryland from 1995 to 2001, according to the U.S. Energy Information Administration.

But MTBE often leaked from underground storage tanks, and became implicated in contamination of many drinking water wells. Even small amounts can cause foul odor and taste in water, and the Environmental Protection Agency considers it a suspected carcinogen.

Though the industry stopped putting MTBE in gas in 2006, it has persisted in ground water for years. Nearly 12,000 underground gasoline storage tank leaks have been identified across Maryland, most of them involving service stations, according to state officials.

Regulators usually require the source of a leak to clean it up. But the state has spent \$18 million remediating contamination where no responsible party could be identified, according to a notice issued last year by the attorney general's office when it was soliciting proposals from outside counsel.

Dozens of lawsuits have been filed nationwide over MTBE contamination by cities, states and municipal water suppliers. The suits allege the industry knew its additive was prone to leaking, and they seek to recover the costs of investigating and treating tainted ground water supplies.

In New Hampshire, a group of petroleum refiners agreed to pay the state \$136 million in an out-of-court settlement. A jury trial later awarded the state another \$236 million from the Exxon Mobil Corp., which had not participated in the earlier settlement.

The three law firms hired by Maryland jointly represent New Jersey in an MTBE lawsuit brought by that state, while two of the firms also represent Pennsylvania in another case.

Under Frosh's plan, the firms would be paid out of whatever Maryland gets if the industry defendants settle or lose in court. Legal fees would range from 1 percent to 22.5 percent, depending on how much money is recovered and how much work is put into the litigation. No taxpayer funds would be paid to the firms, the attorney general's office said, unless the state drops its lawsuit before the case gets resolved.

Exxon Mobil did not respond Wednesday to a request for comment. In remarks to The Baltimore Sun last year, a company spokesman called such lawsuits "second-guessing" of the decision by the federal government to use MTBE in gasoline to fight air pollution. Todd Spitler, the Exxon Mobil spokesman, said the severity of ground water contamination has been rapidly decreasing since the industry ceased using it.

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# Doylestown Intelligencer

## Letter alerts Doylestown residents to high radon readings

Saturday, January 30, 2016 6:00 am

By Freda R. Savana, staff writer

Several thousand Doylestown residents are getting letters alerting them to "very high" radon readings in the community.

The letters, which went to 2,800 homes, are coming from the Pennsylvania Department of Environmental Protection and the American Lung Association, which is offering homeowners free radon test kits to determine the level of radon in their homes.

Doylestown was identified as a "targeted" community by the DEP because at least one home in the area had a radon level 25 times higher than the U.S. Environmental Protection Agency's recommended action level of 4 picocuries per liter of air, said Robert Lewis, chief of the DEP's radon division.

The DEP identifies a community as "targeted" after surveying results from the state's certified radon testing labs, which are required to submit their findings to the state. If a ZIP code has a home with a reading greater than 100 picocuries, the agency notifies the municipality and asks for its mailing list of property owners within a certain radius. Whether a town supplies the list is voluntary, said Lewis.

If a home tests above 4 picocuries per liter, the state will likely suggest a second, longer-term test to determine the radon level. If it remains high and a mitigation fan system is needed, one can typically be installed for about \$1,000.

Kevin Stewart, director of environmental health with the American Lung Association, said the agency received a \$75,000 grant to mail the letters, raise public awareness about radon and provide the test kits.

"We definitely want people to identify radon levels in their homes," Stewart said on Friday. "Knowledge is power."

Radon is a naturally occurring, odorless, invisible radioactive gas that the EPA estimates may cause approximately 21,000 lung cancer deaths across the country each year.

Pennsylvania's geology not only makes it more prone to radon, said Lewis, the state has some of the highest radon values in the country. The radioactive gas is found in all 67 counties.

In 2014, the highest radon level ever recorded in the U.S. was found in a Lehigh County home, according to the DEP. The concentration measured 3,715 picocuries, more than 900 times the EPA's action level. The owners were encouraged to leave the house until it could be remediated to safe levels.

"We urge residents to test their homes to protect themselves and their family's health," DEP Secretary John Quigley said in a statement.

"Winter is the best time to test your home for radon because doors and windows are typically closed and tightly sealed, producing the most accurate results," said the secretary.

Pennsylvania law requires all radon service providers, such as testers, mitigation services and labs be certified by the DEP. A list can be found on the DEP's website, [www.dep.pa.gov/radon](http://www.dep.pa.gov/radon) or by calling 1-800-23-RADON.

In Doylestown, John Soderberg said he will take advantage of the free test for his Court Street home, which he's had tested in the past. "It's a first step, I'll take it," he said.

Soderberg said his wife died a very painful death from lung cancer, which an oncologist said may have been caused by radon.

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# Harrisburg Patriot-News

## Can a water crisis like the one in Flint happen in Pa?

**By Rachel Bunn**  
**February 1, 2016**

It's not impossible to find lead in water in Pennsylvania. But most water systems in the state report low lead levels and use corrosion control intended to help prevent lead from leaching into the water, as happened in Flint, Mich.

As Flint struggles with the revelations that its population may have been poisoned by toxic levels of lead in the city's drinking water, PennLive took a look at Pennsylvania's drinking water supplies, to see if such a situation could happen here.

Required tests of public drinking water supplies in 2014 showed few instances in which the levels of lead exceeded state and federal limits in 2014, according to the Pennsylvania Department of Environmental Protection.

Out of 1,978 community water systems — which serve about 83 percent of Pennsylvania's population — only nine in 2014 showed lead levels higher than 15 parts per billion in violation of federal and state regulations, according to Neil Shader, spokesman for DEP.

The nine water systems are: Acorns Mobile Home Park, Lazy K Campground, Montoursville Water Company (fixed January 2015), Oakwood Heights MHP (fixed February 2015), Royalton Borough (fixed April 2014), Teen Challenge Training Center, Township of Upper Makefield (fixed February 2015), Village of Four Seasons (fixed June 2014) and Westtown School (fixed 2015).

Under the Lead and Copper Rule — established by the U.S. Environmental Protection Agency in 1991 to minimize the amount of copper and lead in drinking water — at 15 parts per billion of lead in a water sample, the EPA requires action to lower the amount of lead and for corrosion control to be put in place.

The EPA requires public water systems to test for lead levels once every three years.

"Violations of the Lead and Copper Rule have remained relatively low over the past 10 years," Shader said.

MLive reported, in Flint, researchers from Virginia Tech found water in 20 percent of samples contained more than 15 parts per billion of lead.

Local water systems say recent checks showed levels of lead below the federal threshold of 15 ppb, although some researchers say there's no level that should be considered safe.

The primary source of lead in drinking water comes from the corrosion of old pipes, not the water sources.

In Flint, the water wasn't being treated for corrosion control, which allowed lead to leach into the drinking water, according to MLive.

Generally speaking, homes built before 1986 may contain some lead in the pipe systems. The median year for a home built in Pennsylvania is 1973, according to data from the U.S. Census Bureau.

About 18 percent of homes in Pennsylvania were built before 1950, when lead was more prevalent in pipes, according to the most recent U.S. Census Bureau data. About 41 percent of Pennsylvania homes were built prior to 1990.

Shader said nearly 99 percent of the population served by community water systems is protected by corrosion control, which helps keep lead levels low.

Newer homes in the state are unlikely to have lead in the pipe systems, thanks to a 1991 state law.

Under the law, known as the Lead Ban Act, materials not meeting the definition of "lead-free" cannot be sold or used for plumbing systems.

For anyone worried about lead in their pipes, home-testing kits are available at most hardware stores.

### **Elevated lead in blood levels**

The number of children with confirmed elevated blood lead levels has declined since 2013, according to the state health department's 2014 Childhood Lead Surveillance report.

The average level of lead in blood dropped from 3.5 to 2.3 micrograms per decileter. The Center for Disease Control and Prevention considers blood lead levels above 5 micrograms per decileter to be elevated, which could lead to health problems.

Problems caused by lead poisoning include low IQ, behavior and learning problems, slow growth, hyperactivity, hearing problems and anemia, according to the EPA.

Though no cause has been determined for an outbreak of Legionnaire's disease in the Flint area, according to MLive, elevated levels of lead in children in the area have caused concern. The amount of children found with elevated levels of lead in their blood doubled when Flint switched its water supply from Lake Huron to the Flint River.

In Pennsylvania, more than 1,500 children between ages 1 and 16 — about 1 percent of the children tested — had elevated levels of lead in their blood, according to the 2014 report. More than 1,400 of those were under the age of 7.

In most cases, according to the state report, high levels of lead in children is attributed to paint in older homes, not water supplies.

The number of children tested has steadily increased since 2007, according to the state report, while the number of cases of confirmed elevated blood lead levels has decreased in the same time period.

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# Pittsburgh Tribune-Review

## Lead Issue Leads To Lack Of Trust In Pittsburgh Water Authority

By Eric Heyl  
January 28, 2016

There's lead in the water and panic in the streets.

The hint of Flint in Pittsburgh's water supply has triggered a rush of customer requests to the Pittsburgh Water & Sewer Authority for free home lead tests. There's an obvious disconnect between the authority's assertion that the water is fine and the increasing public perception that the contents of its tea kettles are toxic.

What prompted this disconnect, this lack of trust in the agency? Besides the class-action lawsuit filed against the authority last May alleging frequent and enormous billing errors, I mean.

Perhaps the recent revelation that increasing lead amounts are perilously close to the level requiring the authority to alert customers that the water is, to coin a technical term, “unsafe.”

The water was tested at that level as far back as 2013, but the rising lead levels weren't highlighted in the authority's most recent annual drinking water report in 2014. The document implied you only have to worry about ingesting lead if your diet includes a steady supply of old pencils.

In layman-friendly, abbreviation-riddled tables, the report noted that lead levels were measured at 14.7 parts per billion. That put the city's water supply in the 90th percentile, but the 90th percentile of what? That wasn't detailed. Is that ranking good or bad?

Those looking for answers probably put down the document, disappointed, and went searching for more enlightening and easily understandable reading material on water contaminants.

Nowhere does the report reveal that the lead levels were measured at just 2 parts per billion in 1999. Not even in an appropriate section for that information titled, “Should You Be Concerned About Lead?”

Here's how the authority answered the question:

“If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. ... If you are concerned about lead in the water, you may wish to have your water tested.”

Here's how anyone familiar with the 1999 and 2013 lead levels should have answered the question:

“Oh, heck yes.”

The authority last week switched ash chemicals in hopes of better controlling the pH level of the city's water and its potential corrosiveness. The move came 17 years after lead levels began rising, 17 years after former Texas Gov. George W. Bush announced he would seek the presidency.

That's not prompt.

There's no reason yet to panic over lead in the water. There's no reason to believe Pittsburgh is on the precipice of a full-scale water crisis like the one in Flint, Mich.

But the lack of trust in the authority is understandable. Any suggestion the agency was completely transparent about the rising levels are precisely what the city's water will be if those levels rise even a bit higher.

Hard to swallow.

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# Associated Press (W. Va.)

## Sentencing Set For Ex-Execs In Chemical Spill

**By JOHN RABY**  
**February 1, 2016**

CHARLESTON - Two years after thousands of gallons of a coal-cleaning agent leaked into the drinking water supply of 300,000 West Virginians, the sentencings of six officials at a chemical distributor this month will bring to a close criminal cases in the spill.

For residents who never met those men, the saga won't ever be forgotten.

It began when a licorice odor was noticed along the Elk River in Charleston the morning of Jan. 9, 2014. The smell was pinpointed to a leak of the coal-cleaning agent MCHM at a series of Freedom Industries tanks less than 2 miles upstream from West Virginia American Water's intake.

By nightfall, state officials declared a state of emergency, telling residents in a nine-county area served by the water company to avoid using their tap water except for flushing toilets and putting out fires.

Residents immediately cleared store shelves of bottled water, and suppliers sent in truckloads of water for residents to use in the coming days. Many restaurants were forced to close or cut back services temporarily.



The tap water advisory remained in place for up to 10 days while homes and businesses systematically flushed the chemical from their lines.

Before the advisory was lifted, Freedom filed for bankruptcy.

The first to be sentenced for negligent discharge of a pollutant this week are Freedom plant manager Michael Burdette on Monday and environmental consultant Robert Reynolds on Wednesday. Each faces up to a year in prison and a minimum \$2,500 fine.

The company faces up to \$900,000 in fines at a hearing Thursday.

Sentencings are later this month for ex-Freedom officials William Tis, Charles Herzing, Dennis Farrell and, lastly, Gary Southern.

Southern, Freedom's president, faces the harshest penalty: up to three years in prison and \$300,000 in fines.

"I think every one of them should be sentenced to the maximum," said Rhonda Mullins of Charleston. "They didn't have to live through that."

During the tap-water ban, Mullins said her daughter brought her several gallons of bottled water daily for drinking, and Mullins took water from a nearby creek and boiled it to wash dishes. Her daughter lives outside the spill zone and took Mullins' dirty clothes home with her to do laundry.

Mullins said she was fortunate at the time that she wasn't babysitting her young grandson.

"I think about all the young mothers that did have little newborns," Mullins said. "You know that was a mess."

For more than a decade, officials had been aware of critical deficiencies at the Freedom site, including a cracked containment wall that let chemicals seep through down a bank into the river, according to an FBI affidavit. But improvements to the wall weren't made.

Tis, Herzing and Farrell owned Freedom until December 2013, when they sold it to Pennsylvania-based Chemstream Holdings for \$20 million. Southern became president afterward, but he was in charge of Freedom's day-to-day operations for years beforehand.

Prosecutors portrayed Southern as a wealthy businessman who cared little about safety. Southern appeared unsympathetic when he told reporters a day after the spill that he had had a "long day" and tried to leave a news conference multiple times outside the tank facility. He also drank a bottle of water in front of TV cameras.

Former U.S. Attorney Booth Goodwin, who resigned last month to run in May's West Virginia primary for governor as a Democrat, said the spill served as "a wake-up call" to the vulnerability of tap water systems and cast "a spotlight on the issue of our water security here in this nation."

"We need to ask ourselves if we're any safer in terms of our water infrastructure than we were in January of 2014," he said. "I think it's something that certainly not only tank owners need to be concerned about, but the folks who provide our lifeblood - our water."

Hundreds of people went to emergency rooms complaining of symptoms that could be spill-related, ranging from nausea to dizziness. Many claimed illnesses even after their water was deemed safe again.

Under a Freedom liquidation plan approved by a federal bankruptcy judge in October, more than \$2 million will be distributed to residents and businesses affected by the spill.

A federal class-action lawsuit is set for trial in July, pitting affected residents and businesses against West Virginia American Water, its parent company and chemical manufacturer Eastman Chemical. In a related proposed settlement, Southern would pay \$350,000 and Farrell would pay \$50,000.

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# Baltimore Sun

## Governor Hogan questions Howard superintendent about mold issues in county schools

By Lisa Philip  
Howard County Times

The mold controversy in Howard County public schools has reached the state's highest office.

At a meeting of the state Board of Public Works Wednesday, Governor Larry Hogan said that he and the other members of the board — Comptroller Franchot and Treasurer Nancy Kopp — had received many "letters of concern" from parents, a school board member and state Del. Warren Miller about maintenance and mold issues in Howard County's public schools. Hogan and Franchot questioned Superintendent Renee Foose extensively about these concerns.

"The most egregious instance is Glenwood Middle School in western Howard County," he said. "Several Glenwood students and teachers became very ill and required hospitalization. News reports revealed that the school system's officials knew about these mold issues in the school but did not inform parents or school community until much later."

Hogan also described the fire that broke out in the school's boiler room on Jan. 5. Glenwood's 500-plus students and staff have since been relocated to three different schools. Students are due to return to the school, which has since undergone fire repair damage, following weather-related closings this week.

"There's a palpable loss of trust between many parents and the county school system," Hogan said, "and in particular with the superintendent."

In response to Hogan and Franchot's questions, Howard Superintendent Renee Foose repeatedly referred to the new \$3 million heating and air conditioning system installed at Glenwood Middle last summer to remediate excessive humidity.

"We've been doing air monitoring in that building for the last six months," she said about the middle school, which was built in 1967. "We publicly report out the environmental air quality conditions in that building. So the problem is behind us--we solved the humidity problem that led to the mold issue that occurred."

Hogan seemed less than satisfied with this response.

"It's a huge concern in your county from lots of places," he said. "It needs to be addressed, so I wouldn't dismiss it as if it's not an issue."

Comptroller Franchot pressed Foose about when she notified parents about "the mold."

"We didn't have an epic mold outbreak," she said. "We were responding to this as a maintenance issue because it was a humidity issue. We had contractors and engineers in and out of the building trying to determine what exactly is the source of the problem. And when it escalated into...we had a community meeting in August that we shared all of our information."

Foose also said that students were not coming to the nurse's office at Glenwood Middle at a higher rate than any other county school.

"So when several students and teachers were hospitalized for being ill, you think it was their imagination?" Comptroller Franchot asked. "You never had a mold problem?"

Foose said that she didn't think it was imagination.

"But you didn't have a problem?" Franchot continued. "And you didn't think it was worth notifying the parents that there could have been a problem?"

Foose responded by saying that she was "not familiar with any hospitalization."

"Maybe you ought to go back and check," Franchot said.

When staff returned to Glenwood Middle last Thursday, two staff members were taken by ambulance to the Carroll County Hospital after they experienced dizziness. Principal Robert Motley notified parents of the incident in an email last week.

Foose told the Board of Public Works that these staff members became ill because they were sensitive to cleaning products that had been used at Glenwood Middle.

As the discussion wrapped up, Franchot said, "So pretty much your testimony is that you don't have any mold or problems in Howard County schools?"

"It's my testimony that the issues that we had are all taken care of, and we're doing our best to make sure that the building -- all of them -- remain a healthy environment for students to learn and teachers to work," Foose said.

Before the superintendent took the podium, Delegate Miller told Hogan that the mold issue goes back to the poor condition of school roofs and, more broadly, the school system's failure to maintain school facilities. "We all know that the age of the school isn't the concern. It's the way it's maintained," said the Republican representing District 9A. "When I was a kid, my elementary school was a 100-year-old school, and it was fine because it had been well-maintained."

"Anything you can do to supervise public dollars for these schools and make sure the money's being spent correctly would be much appreciated," he continued.

The Board of Public Works is recommending \$22 million in state funds for the Howard County school system's capital budget, Hogan said, and is requesting maintenance reports.

"We'd like you to stay on top of this issue and report back to us on any additional mold issues that you discover and any ongoing maintenance steps you're taking to address the problem," he said.

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# Washington Post

## Federal Diary column: EPA's fall in Flint, an aberration or part of a pattern?

By Joe Davidson  
January 28

The Environmental Protection Agency's lethargic response to the Flint water crisis makes the agency look like an accomplice after a crime – the poisoning of the city's water system and assaulting its population.

But was EPA's dawdling in largely poor and black Flint an aberration or part of a pattern of lax oversight and enforcement?

For critic Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER), the answer is clearer than Flint's water: With the exception of Obama administration initiatives on greenhouse gases, EPA "has steadily withdrawn from combating conventional pollution," continuing the pattern under former president George W. Bush.

At the same time, EPA cites projects that show, in the words of Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance, "we are implementing America's environmental laws and delivering on EPA's mission."

Ruch has evidence to back up his claim. The data support him when he says "enforcement actions of all types have fallen."

Statistics in an Environment & Energy Publishing report, drawn from EPA data, tell the tale: the 213 criminal cases EPA opened in 2015 were 87 fewer than two years before and down a fifth from 2014. The number of defendants charged also fell, but slightly. In 2013 the number of inspections and evaluations totaled about 18,000. That dropped to 15,400 in 2015.

The agency is charged with overseeing state anti-pollution programs like Michigan's and under former president Bill Clinton "EPA often directly intervened (or threatened to) in cases where state agencies had dropped the ball," Ruch added in an email. "We have not heard of any such action under Obama... In area after area, we see EPA retreating."

For Henry Henderson, Midwest director of the Natural Resources Defense Council, EPA repeatedly demonstrates a "lack of urgency to enforce the law, holding back in situations where it is their responsibility to act and only responding when there is citizen action to force their hand."

Part of EPA's problem is resources — money and people.

Cutting staff from 18,000 in 1999 to 15,000 undercuts the agency's performance, according to the American Federation of Government Employees (AFGE).

"What most people don't understand is that nearly half of EPA's budget goes to states, tribal authorities, and municipalities, and of the remaining half, almost half of that goes to contractors," said a statement from John J. O'Grady, president of AFGE Local 704, which represents employees in the EPA region that covers Flint.

"EPA's budget peaked in 2010 at \$10.3 billion and is now at \$8.1 billion for 2016," he said. "How can the agency do more with less, particularly at a time when state environmental agencies are experiencing budget shortfalls? U.S. EPA does not have the sufficient capacity to assist. So, issues such as the one which occurred in Flint, Mich. happen due, in part, to minimal federal oversight and enforcement."

Despite the budget cuts, EPA says its enforcement actions resulted in record-setting Superfund, Clean Air Act and hazardous waste settlements. Companies were required to invest more than \$7 billion to clean up contamination and control pollution. The agency boasts of actions in 2015 that it says cut 430 million pounds of air pollutants and provided \$39 million for "projects that provide direct benefits to communities harmed by pollution."

And although environmental criminal cases are down, EPA notes the \$4 billion its criminal program won through court ordered projects last year, the \$200 million in fines and restitution, and the total of 129 years of incarceration for environmental criminals.

"The large cases we tackled in 2015 will drive compliance across industries, and protect public health in communities for years to come," said EPA's Giles.

Bob Perciasepe, EPA's deputy administrator from 2009 to 2014, cautions against drawing sweeping conclusions about EPA from individual cases, like Flint. "Flint is not a normal occurrence," he said.

Look at environmental issues broadly over the agency's 46-year history, Perciasepe suggested. "Has pollution gone up? It has not."

EPA, he added, has been "one of the greatest bargains the American public has paid for."

For Earth Day last year, EPA Administrator Gina McCarthy reported on the agency's progress on four big pollution problems – acid rain, leaded gasoline, pesticide DDT and air pollution.

"Our track record proves that when EPA leads the way," she said, "there's no environmental challenge our nation can't meet."

But does it lead often and aggressively enough?

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